

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDY HAYNES,

Plaintiff,

No. 08-CV-13091-DT

vs.

Hon. Gerald E. Rosen

DR. KEITH IVENS, et al.,

Defendants.

_____ /

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION OF DECEMBER 23, 2009

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on January 27, 2010

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This matter having come before the Court on the December 23, 2009 Report and Recommendation of United States Magistrate Judge Mark A. Randon recommending that the Court grant the Fed. R. Civ. P. 12(b)(6) motion to dismiss filed by Defendants Correctional Medical Services, Inc. ("CMS"), Dr. Keith Ivens, M.D., and Physician Assistant Howard Tyree; and no timely objections to the Magistrate Judge's Report and Recommendation having been filed; and the Court having reviewed the Magistrate Judge's Report and Recommendation, and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, Defendants' Motion should be granted, and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of December 23, 2009 [**Dkt. # 63**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendants' Motion to Dismiss [**Dkt. # 43**] be, and hereby is, GRANTED. Accordingly,

IT IS FURTHER ORDERED that Plaintiffs' claims against Defendants CMS, Ivens and Tyree are DISMISSED with prejudice.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: January 27, 2010

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2010, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Christine M. Campbell; Randall A. Juip; Anthony D. Pignotti; Brian J. Richtarcik, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

Randy Haynes; #224393, Marquette Branch Prison; 1960 U.S. Hwy. 41 South, Marquette, MI 49855

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(313) 234-5137